IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 24740 of 2003

Between:

A.Hari Krishna S/o. Udaya Bhaskar
R/o. Chirala Prakasam District

..... PETITIONER

AND

1.The Govt.of Andhra Pradesh, rep.by its Principal Secretary,

Irrigation & Command Area Development Dept.
Secretariat, Hyderabad
2.The Chief Engineer, Minor Irrigation, Erram Manzil, Hyderabad
3.The Superintending Engineer, Irrigation circle, Guntur, Guntur

District
4.The Executive Engineer, Drainage Division, Chirala, Prakasam

District
5.The Pay and Accounts officer, Ongole, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the Respondents in recovering seigniorage charges for ordinary earth from out of the bills payable for executing contract work covered under Agreement No.17/2003-2004 dated 5-6-2003 executed by the 4th Respondent in favour of the petitioner as arbitrary, illegal in violation of Article 14 of the Constitution of India and consequently direct the Respondents not to deduct the Seigniorage charges from the bills of the petitioner for digging ordinary earth.

Counsel for the Petitioner: MR.SUBBA RAO KORRAPATI

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

ORDER:

Heard both sides. At their request, the main Writ Petition itself is taken up for disposal.

The petitioner who is the contractor, under the 4th respondent, filed this Writ Petition seeking for a direction in the nature of Writ of Mandamus, declaring the action of the respondents in recovering seigniorage charges for the ordinary earth from out of the bills payable for executing contract work covered under agreement No.17/2000-2004, dated 5.6.2003 executed by 4th respondent in favour of the petitioner, as illegal.

Having regard to the facts and circumstances and on perusal of the material on record, it is seen that this question has already been considered by the Division Bench of this Court in W.P. No.3427 of 2003 dated 06.03.2003.

In the similar circumstances, the Writ Petition is disposed of, directing the respondents not to collect any seigniorage charges from the petitioner for digging ordinary earth in respect of execution of contract work covered under the agreement No.17/2003-2004, dated 5.6.2003. No order as to costs.

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(**B.PRAKASH RAO, J**)

18th AUGUST 2004

BSS/SKMR

To

1.The Principal Secretary, Govt. of Andhra Pradesh, Irrigation &

Command Area Development Dept., Secretariat, Hyderabad
2.The Chief Engineer, Minor Irrigation, Erram Manzil, Hyderabad
3.The Superintending Engineer, Irrigation circle, Guntur, Guntur

District
4.The Executive Engineer, Drainage Division, Chirala, Prakasam

District
5.The Pay and Accounts officer, Ongole, Prakasam District

6.2CCs to G.P. for Irrigation & Command Area Development

Department, High Court Buildings, Hyderabad (OUT).

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